

REMARKS

In the Final Office Action mailed July 13, 2007, claims 1-25 are currently pending in the application. Claims 1-12, 14-16 and 19-25 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Justice, Jr. et al. (US Patent No. 6,418,469) ("Justice") in view of Johnson (US Patent No. 6,275,855) ("Johnson"). Claim 13 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Justice in view of Johnson and further in view of Arrowsmith et al. ("Arrowsmith"). Claims 17-18 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Justice in view of Johnson as applied to claim 16 and further in view of Gaffaney et al. (US Patent No. 5,634,008) ("Gaffaney").

Applicants respectively traverse. After a careful review of the Office Action, the cited portions of the references and Applicants' claim clarifications, Applicants respectively request reconsideration in view of the following remarks.

I. CLAIM REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 1-12, 14-16 and 19-25 stand rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Justice, Jr. et al. (US Patent No. 6,418,469) ("Justice") in view of Johnson (US Patent No. 6,275,855) ("Johnson"). Applicant has cancelled without prejudice currently pending claims 13-18.

Applicants respectively traverse. After a careful review of the pending Final Office Action, the cited portions of the references, and Applicant claim clarifications, Applicants respectively request reconsideration in view of the following remarks.

A. Applicants' Presently Claimed Invention

Applicants' presently claimed invention is generally directed to an apparatus and method

for management of a network and more particularly to a network management apparatus and method capable of generating events when predefined significant conditions are detected. *See, e.g., Applicants' Specification at p. 1 lines 6-9.*

More specifically, Applicants presently claimed invention is generally directed to methods and system that processes received network management data, and determines if the network management data indicates that a previous (*i.e.*, historical) event in an event log has been resolved and then changing a severity indicator of the previous event dependent on a determining step.

As Applicants explain, when processing of data by the network management application detects certain predetermined conditions, the network management application will generate an event. For example, if a network device fails to respond to an IP Ping sent by the network management application within a predetermined time period, an event will be generated. Such events are stored in memory and placed in an event list for presentation, *e.g.*, by display on a display screen or by printing in a report. For each event, the information recorded (*i.e.*, event data) includes the time of the event (typically by means of a "time stamp"), the identity of the device concerned, the type or nature of the event, and the severity of the event. The severity of the event is dependent on the type of event and the type of device concerned, and is included to assist the administrator in determining which events indicate problems which require the most urgent attention. Therefore, events such as an end station not responding to IP Ping has a "Low" severity, whereas a similar event for a core device has a "High" severity.

The following Table is an example of an event list which may be produced for the Applicants' network 1 illustrated in Figure 1:

| Time | Device Name | Description | Severity |
|-------|-------------|-------------------------------------|----------|
| 11.01 | HUB10-1-72 | Utilization on port 2 exceeded 80% | HIGH |
| 11.03 | S1000-1-72 | Errors on port 1 exceeded 5% | HIGH |
| 11.06 | HUB10-1-72 | Utilization on port 2 exceeded 80% | HIGH |
| 11.00 | S1000-1-72 | Errors on port 24 exceeded 5% | HIGH |
| 10.58 | S1000-1-72 | Errors on port 2 exceeded 5%. | HIGH |
| 10.58 | PSH40-1-72 | Broadcasts on port 12 exceeded 200% | HIGH |
| 10.57 | HUB10-1-72 | Utilization on port 2 exceeded 80% | HIGH |
| 10.56 | S1000-1-72 | Utilization on port 24 exceeded 80% | HIGH |

Applicant's Table provided above indicates a large number of events having a High severity, received over a time period of 5 minutes. Therefore, for a longer period of time, which would be more typical of the time interval between reviews of the event list, the network administrator will have difficulty in determining which events in the event list indicate current network problems requiring attention. *See, e.g., Applicants' Specification Page 8 Line 5 – Page 9 Line 5).*

Applicants' presently pending claims have been clarified to expressly recite such an event list comprising a severity indication. For example, independent claim 1 now expressly recites the step of "maintaining an event list, said event list comprising a severity indicator of said previous event." The remaining pending independent claims, claims 8, 23, and 24, recite similar limitations.

B. *The Cited References Do Not Disclose Applicants' Presently Claimed Invention*

i. *The Presently Pending Final Office Action Concedes
That Justice Fails to Disclose "A Severity Indicator"*

Neither Justice nor Johnson disclose Applicants' presently claimed invention. More specifically, Neither Justice nor Johnson disclose Applicants' presently claimed step of "maintaining an event list, said event list comprising a severity indicator of said previous event." As noted above, the Office Action rejected claims 1-26 under 35 U.S.C. § 103(a) as being obvious over the combination of Justice and Johnson. In order to establish a *prima facie* case of obviousness of a claimed invention by applying a combination of references, the cited references must teach or suggest all of the claim limitations. M.P.E.P. § 2143. Applicants respectfully submit that these rejections are improper, since the present Office Action concedes that Justice fails to teach or suggest all of the elements of any of Applicants' presently pending claims. Johnson does not make up the deficiencies, either by direct teaching or by suggestion. Therefore, the Office Action fails to establish a *prima facie* case of obviousness.

For example, the presently pending Final Office Action concedes that Justice fails to teach or such Applicants' claimed step of "maintaining an event list, said event list comprising a severity indicator of said previous event." The Final Office Action states:

Justice discloses automatically update [sic] the event list in the condition being resolved, Justice does not explicitly disclose determining the resolution of [sic] event in real-time and changing a severity indicator of said previous event dependent on said determining step; depending on said severity indicator. However the concept of determining network event resolution in real-time and changing the severity indication is a well-known concept in the networking art. For instant [sic] Johnson discloses a network management system that having [sic] the capability of facilitate [sic] real-time problem solution and changing severity indicators by changing the color code on the interface (see Johnson col. 1, lines 29-30, col. 2, lines 18-30; col. 5, lines 58-67).

It would have been obvious to one with ordinary skill in the art at the time the

invention was made to combine the teaching of Johnson to the method of Justice including determining in real-time and changing the severity indicators for the purpose of allowing for the immediate execution of remedial actions to minimize adverse consequence [sic] potential [sic] associated with the event (see Johnson col. 3, lines 4-6).

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Applicants agree with the previous Office Action that Justice fails to teach or suggest the step of “maintaining an event list, said event list comprising a severity indicator of said previous event.” However, Applicants respectively disagree that Johnson makes up for the deficiencies of Justice and therefore respectively traverse this aspect of the presently pending Final Office Action. However, in an effort to expedite the allowance of this pending application (an application that has been pending in the PTO for well over six years), Applicants have further clarified the pending independent claims to expressly recite the step of “maintaining an event list, said event list comprising a severity indicator of said previous event.” Johnson fails to teach or suggest such a step.

Rather, Johnson appears to be generally directed to a system and method for identifying, analyzing and responding to computerized alerts system messages. More particularly, Johnson purports to be directed to a system and method to allow for the identification and determination of alert event precipitation factors, remedial courses of action and the immediate assumption of console level authority of those systems generating such messages to facilitate real-time problem solving. Johnson Col. 1 Lines 20-29.

To this end, Johnson teaches providing standardized or uniform presentation of information relating to changes in the status of a monitored object, irrespective of the alert system or computer platform from which the status of change is reported. Johnson purports to satisfy this stated objective by displaying an icon representing the monitored object on a video

display. A change in object status warranting a system's operator's attention is accommodated via a change in icon color. Johnson Col. 2 Lines 17-25.

Johnson, however, fails to disclose "an event list," let alone the step of "maintaining an event list." Consequently, since Johnson fails to teach or suggest the step of "maintaining an event list," Johnson naturally fails to teach or suggest the step of "maintaining an event list, said event list comprising a severity indicator of said previous event." Justice in combination with Johnson, therefore, fails establish a *prima facie* case of obviousness.

II. SUMMARY

Applicants respectfully submit that, in view of the remarks above, the present application, including claims 1-12 and 19-25, is in condition for allowance and solicit action to that end.

If there are any matters that may be resolved or clarified through a telephone interview, the Examiner is respectfully requested to contact Applicants' undersigned representative at (312) 913-0001.

Respectfully submitted,

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Date:

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